

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN GIORDANO, et al.,)	19-CV-21573 (NLH/AMD)
)	20-CV-8487 (NLH/AMD)
Plaintiffs,)	20-CV-6906 (NLH/AMD)
)	21-CV-9725 (NLH/AMD)
vs.)	
)	
SOLVAY SPECIALTY POLYMERS)	
USA LLC, et al.,)	Camden, NJ
)	March 30, 2023
Defendants.)	2:13 p.m.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

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***** Transcriber's note -- (Inaudibles) are due to telephone interference or parties speaking over each other.**

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1 (The following telephonic conference was heard at
2 2:13 p.m.)

3 THE COURT: All right, this is Judge Donio. We're
4 on the conference call phone with all attorneys appearing by
5 phone for a status conference and to finalize hopefully some
6 discovery issues.

7 Let me start with what I'll call the Group 1, 3 and
8 4 cases, the Docket Number -- first Docket Number in Group 1
9 being 19-21573, and there's a number of cases that are in the
10 Group 1; and then the Group 3 is the Class Action, 20-6906;
11 and the Group 4 (sic) is the Municipality Cost Recovery suit,
12 21-9725 (sic).

13 And I would ask that counsel place their
14 appearances beginning with plaintiffs' counsel in those
15 cases.

16 MR. SKLARSKY: Yes, Your Honor. It's Alan Sklarsky
17 from Williams Cedar, co-counsel on the Group 1, 3 and 4
18 cases.

19 MS. FRIEDMAN: And good afternoon, Your Honor.
20 Shauna Friedman from Barry, Corrado & Grassi, also on behalf
21 of Group 1, 3 and 4 plaintiffs.

22 THE COURT: All right, thank you.

23 For the Solvay --

24 MS. PARKER: Good afternoon, Your Honor. It's
25 Crystal Parker of Paul Weiss on behalf of defendant Solvay,

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1 and with me is my colleague Steven Herzog, also of Paul
2 Weiss.

3 THE COURT: Thank you.

4 For Arkema?

5 MR. SHUFTAN: Good afternoon, Your Honor. Robert
6 Shuftan of Steptoe & Johnson on behalf of Arkema, Inc,
7 together with my colleagues Derek Smith and Joo Cha Webb.

8 MS. LUCEY: Good afternoon, Your Honor. Jemi Lucey
9 with Greenbaum, Rowe, Smith & Davis, also on behalf of
10 Arkema.

11 THE COURT: Thank you.

12 For E. I. duPont and the other defendants in that
13 group?

14 MR. KURZWEIL: Your Honor, it's Lanny Kurzweil from
15 McCarter & English, and I'm joined by my partner Ryan Richman
16 and by our colleague David Schlier.

17 THE COURT: Thank you.

18 For 3M?

19 MR. CAMERSON: Yes, good afternoon, Your Honor.
20 D.J. Camerson, Bressler, Amery & Ross, and I'm joined by
21 Andrew Calica and Jordan Sagalowsky of Mayer Brown on behalf
22 of 3M.

23 THE COURT: All right. And then there is another
24 case which is the Group 2 case. There are a number cases in
25 Group 2 on personal injury, they have different plaintiffs'

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1 counsel. So that this record's clear, can you just enter
2 your appearances, plaintiffs' counsel in the Group 2 cases?

3 MR. LAKIND: Good afternoon, Your Honor. Arnold
4 Lakind of Szaferman, Lakind, Blumstein & Blader on behalf of
5 the plaintiffs in the Group 2 cases.

6 MS. PHILLIPS: Good afternoon, Your Honor. This is
7 Vicky Phillips of Phillips & Paolicelli on behalf of the same
8 plaintiffs.

9 MR. CONWAY: And Kevin Conway of Cooney & Conway,
10 also on behalf of the Group 2 plaintiffs.

11 MR. LUBECK: And Michael Lubeck, also of Cooney &
12 Conway on behalf of the Group 2 plaintiffs.

13 THE COURT: All right, thank you.

14 To save time, I'll just note for the record the
15 Solvay counsel are the same in the Group 2 cases as in the
16 other ones. There's Arkema --

17 MR. SHUFTAN: Correct.

18 THE COURT: -- E.I. duPont, 3M.

19 Is there anybody else on the phone that hasn't yet
20 entered an appearance?

21 (No audible response)

22 THE COURT: All right. Hearing nothing, let's just
23 go right in order and address first Groups 1, 3 and 4 that
24 are currently in settlement mode. I did receive the letters
25 that were filed in connection with the status of those

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1 settlements -- although, Ms. Friedman, you've changed firms I
2 see, correct?

3 MS. FRIEDMAN: I have, Your Honor.

4 THE COURT: All right. Thank you.

5 Now, those -- those letters were not placed on the
6 docket because they're confidential settlement letters, but
7 copies on all counsel as to the status. And it appears to
8 me, there's really nothing for the Court to address other
9 than scheduling a call after April 10th.

10 MS. PARKER: Your Honor, this is Crystal Parker for
11 Solvay. That's -- that's correct, at least from Solvay's
12 perspective.

13 MS. FRIEDMAN: And, Your Honor, this is Shauna
14 Friedman. I think after the April 10th deadline, I think it
15 would be appropriate for the Court and the parties to
16 respectfully consider possibly making that an in-person
17 conference, depending on I guess progress of those
18 discussions.

19 THE COURT: Well, I'm probably going to do that.
20 It won't be April 10th, but it will be sometime in April,
21 we'll have an in-conference for Groups 1, 3 and 4 to address
22 the status of settlement and where we go from here, okay?

23 UNIDENTIFIED SPEAKER: Yes, Your Honor.

24 MS. FRIEDMAN: Thank you, Your Honor.

25 THE COURT: I just say --

1 UNIDENTIFIED SPEAKER: Thank you, Your Honor.

2 THE COURT: -- the status of settlement -- the
3 status of settlement discussions, not that we won't have on
4 the record any time right now whether there's a settlement.
5 But you keep proceeding, and hopefully you'll be reporting
6 that to me, all right?

7 MR. KURZWEIL: Your Honor, consistent with me
8 taking out the calendar the last time we were before you, if
9 there's any possibility of avoiding the 11th -- the week of
10 the 11th and the 17th, meaning the week of the -- the week of
11 11th and on April 17th, that would help a 44-year marriage.

12 THE COURT: Well, I would not want to be the one to
13 disrupt that so certainly I'm sure a lot of people may be off
14 that week too. There's a lot of spring breaks with people
15 with children.

16 MR. KURZWEIL: And --

17 THE COURT: So --

18 MR. KURZWEIL: -- thank you.

19 THE COURT: -- why -- why don't --

20 MR. KURZWEIL: -- Your Honor, this is Lanny
21 Kurzweil. Also if Your Honor could avoid February the 27th
22 and 28th, it's our annual partner retreat off-premises for
23 business purposes, so Ryan and I -- Mr. Richman and I will be
24 traveling.

25 THE COURT: April 27th and 28th to avoid, right?

1 MR. KURZWEIL: Thank you, Your Honor. That is
2 correct, Your Honor.

3 UNIDENTIFIED SPEAKER: But so I would question Mr.
4 Kurzweil, those are the dates that I'd like Your Honor to
5 take to avoid (inaudible - phone interference) with me.

6 THE COURT: Well, we'll try to accommodate
7 everyone's schedule and if for whatever reason we make a
8 mistake, just let us know and we'll resolve it.

9 MR. KURZWEIL: Thank you, Your Honor.

10 UNIDENTIFIED SPEAKER: Thanks, Your Honor.

11 MR. KURZWEIL: Thank you, Your Honor.

12 THE COURT: All right, that was easy.

13 Let's move to Group 2 where I have a much bigger
14 pile. So the Group 2, thank you for the detailed letters and
15 let's see if we can reach agreement or know what we're doing.
16 I'll start -- I have a list of a number of items, let me
17 start with the following statement. Depositions have to
18 begin, and I'm not going to defer depositions because other
19 records, given the amount of medical records that the
20 defendants requested from these plaintiffs, because not every
21 medical record has been produced.

22 If you have recent medical records, you should be
23 able to go forward. If it turns out to be some unusual
24 medical record that would require the reopening of a
25 deposition, I'll revisit that issue and consider it. But I'm

1 not going to just say okay, we'll give you another month to
2 start scheduling depositions because you don't have all the
3 medical records.

4 So that being said, let's -- let's start with the
5 expert list, and I have that in front of me. What -- what am
6 I to do with this list? What are the parties' positions now
7 that the list has been sent? And this is in response to --
8 let me just get the handout here -- I guess I'll start with
9 McCarter & English counsel.

10 So, Mr. Richman, are you going to be addressing
11 that?

12 MR. RICHMAN: Yes, Your Honor. So we compiled a
13 list per Your Honor's instructions at the last conference
14 that fell into certain categories. As you can see, it's, you
15 know, quite extensive. There's about 130-or-so entries on
16 here and we -- we submitted a submission to Your Honor
17 explaining the criteria that went into the list, which was
18 also -- plaintiffs' counsel had input on and we had many
19 conferrals about that leading up to drafting this list.

20 Our, you know, position is -- hasn't -- hasn't
21 changed since we submitted our January 24th letter. We still
22 believe that expert reports and expert depositions from other
23 litigation, particularly those that do not arise out of
24 Chambers Works, which is the facility that's at issue in New
25 Jersey in plaintiffs' complaints in this case, all these

1 other cases arise out of either the Washington Works plant in
2 Parkersburg, West Virginia or are cases are where allegations
3 of products being sold into the State of New York. So we --
4 we don't believe plaintiffs met their burden that these cases
5 in any way are substantially similar to the cases that we
6 have at issue here.

7 We haven't -- we've extensively looked at the cases
8 cited by -- by plaintiffs and the case they primarily rely on
9 which is the Hall case, you know, that -- that does not
10 relate to expert discovery. That case relates to fact
11 discovery from other cases that were substantially similar
12 and that may overlap, not expert discovery.

13 There's nothing that plaintiffs cite that supports
14 the proposition that they can get expert reports and expert
15 deposition transcripts from other -- from other litigation
16 while we're in fact discovery. To the extent we're going to
17 name one of these defendants -- I mean one of these experts
18 on this list as an expert in our case, you know, at this
19 point that's premature.

20 But if -- if we do, you know, then plaintiffs may
21 be entitled to -- to some additional information and -- and
22 prior testimony and reports from these experts, but at this
23 point it's premature while we're still in fact discovery and
24 we, you know, haven't even taken depositions -- fact
25 discovery depositions yet.

1 THE COURT: Okay. So you have the list but you're
2 not prepared to produce -- that's in the court order these --
3 any of these reports, is that the summary of your position?

4 MR. RICHMAN: Yes. Yes, Your Honor, and I -- you
5 know, I don't want to belabor it, I'd -- I'd refer the Court
6 to our January 24th letter which is Docket Entry -- in the
7 Kimberly Bond case it's Docket Entry 290.

8 THE COURT: Okay.

9 Who from plaintiffs' counsel will be responding?

10 MR. LAKIND: Your Honor, it's Arnold Lakind. Your
11 Honor, our position was set forth in our January 17th letter
12 in which both the Third Circuit and several other Circuit
13 Courts have acknowledged the benefits of collaborative
14 efforts in order to ensure a speedy and expensive -- and
15 inexpensive and efficient resolution of litigation.

16 The reports that we asked for and that were agreed
17 upon to study essentially dealt with the -- the three
18 chemicals at issue in this matter. It dealt with diseases at
19 issue in this matter. And it dealt with the substance of
20 legal issues -- toxicology, epidemiology, causation, state of
21 knowledge and punitive damages, so all of the information we
22 seek is unquestionably relevant.

23 The notion that the fact that these cases arose out
24 of different facilities is irrelevant to whether or not this
25 information is discoverable. Neither toxicology,

1 epidemiology, causation, state of knowledge and punitive
2 damages do not depend on the fact that these cases -- the six
3 cases they've cited arose other than at Chambers Works. So I
4 would respectfully submit since the reports are the same
5 types of reports we will submit, since the diseases are the
6 same within class diseases that are involved in our cases,
7 since the issues are the same, we're going to have the same
8 Daubert issues as were resolved in these cases, so they're
9 unquestionably relevant.

10 Yesterday I posed to defendant, I said if your
11 concern is burden, give us the number of how many reports
12 you'd be willing to give us in order to address the burden
13 issue, and they said zero. So, Your Honor, based on
14 Cipollone and both the Circuit Court cases we cited in our
15 January 17 letter, I would submit that we are entitled to
16 copies of these expert reports --

17 THE COURT: Okay --

18 MR. LAKIND: -- and the depositions of these
19 experts which I -- which defendants acknowledge they -- they
20 neglected to include in the spreadsheet.

21 THE COURT: So let me ask this question. How many
22 of these experts have testified in a -- if at all, at trial
23 in any of these cases that were pending in the Southern
24 District of Ohio?

25 MR. RICHMAN: Your Honor, I -- this is Ryan

1 Richman, I do not have that information readily available at
2 my fingertips. I -- I can get that for you. I do know that
3 some of these experts have testified, at least in a discovery
4 deposition capacity. There are also a number of them who
5 have not been deposed yet in these cases. And the -- the
6 reason why I don't have it at my fingertips, Your Honor, is
7 we're not counsel of record for the Hoosick cases or the Ohio
8 MDL cases, but I can -- I can get that information for you
9 pretty quickly now we have the -- the chart together.

10 THE COURT: Okay. And let me just understand the
11 defendants' objection. Your objection is that it's not
12 relevant? That's your objection?

13 MR. RICHMAN: I mean, that's -- that is part of our
14 objection, that it's -- you know, part of our objection is
15 it's -- it's not -- you know, cases that arise out of a
16 facility that's not Chambers Works is not relevant, there's
17 other environmental factors that arise out of operations at
18 other facilities and other outside environmental factors in
19 Ohio or New York or Parkersburg, West Virginia, and I don't
20 think plaintiffs' met their burden of -- you know, in the
21 cases they do cite of establishing that they're entitled to
22 this discovery.

23 Also, you know, we -- we did make a burden argument
24 and as, you know, we stated in our letter, it was -- you
25 know, it took some time and was quite burdensome to even put

1 this list together and, you know, I know -- I know
2 plaintiffs' -- plaintiffs' counsel, Mr. Lakind, just
3 mentioned that on a conferral he asked us, you know, if from
4 a burdensome perspective, how many we'd be able -- we'd be
5 willing to provide to him. And I -- I put the question back
6 to him and said well, you know, as you can see on this list,
7 there are multiple, you know, experts who are across several
8 cases so, you know, are there any in here that -- that you
9 would -- you would limit it to, and we didn't get a response
10 on that yet.

11 THE COURT: All right. Let me just see if I can --
12 and I don't want to spend a lot of time on this issue, the
13 papers have been submitted and I'll, you know, decide if I'm
14 going to read an opinion into the record at our next
15 conference or shortly issue an opinion, but I want to
16 distinguish between plaintiffs' experts and defendants'
17 experts. So is there a distinction (inaudible -- phone
18 interference) that, and I'll start first with Mr. Lakind.

19 MR. LAKIND: Your Honor, I -- I would think not.
20 First, with regard to plaintiffs' expert, since we will have
21 the same or similar experts, that information, it is strictly
22 relevant and -- relevant to us, and it will identify
23 information in defendants' discovery that we -- that may not
24 have been provided to us and it will help us with Daubert.

25 With regard to defendants' experts, the use of

1 those expert reports will differ a bit. However, it will
2 facilitate a more efficient conduct of the litigation because
3 we'll have a sense of what their objections are to the
4 different experts both on Daubert grounds and on substantive
5 grounds, and they may have exculpatory explanations,
6 especially with regard to punitive damages and state of
7 knowledge with regard to certain documents that we think are
8 inculpatory, so I -- I would submit that there is no
9 difference for purposes of our request between the two
10 categories of experts.

11 I do think in response to Mr. Richman's question,
12 we could limit the expert reports we're looking for to one
13 version. I mean, of the 140, about 102 of them are -- are
14 duplicated, so we -- we just need one version of the reports
15 and the most current version, and not certainly 140 or 150.

16 THE COURT: Well, what do you mean by that? Like,
17 for example, each of these cases has the same expert and you
18 just need the last report of that expert?

19 MR. LAKIND: Yes, Your Honor.

20 THE COURT: And so when you do that math, you get
21 down to how many expert reports?

22 MR. LAKIND: 38. I may be wrong by one or two
23 because I had to do it by hand because we couldn't sort it, I
24 didn't -- I didn't have the ability to do that, but it would
25 be between 38 and I suspect 40, Your Honor.

1 THE COURT: Okay. All right.

2 Any response from the defense as to whether there's
3 a distinction between requesting expert reports produced by
4 the defendant and/or expert -- and expert reports produced by
5 plaintiffs in these other cases?

6 MR. RICHMAN: Yes, Your Honor, this is Ryan
7 Richman. So I -- I think plaintiffs' reports from these
8 other cases which -- which we did list per Your Honor's
9 instructions, are even further removed from a -- from a
10 relevancy standpoint. These are, you know, plaintiffs in
11 other cases who had their own medical issues who were exposed
12 to, you know, or claiming they were exposed to contaminants
13 from other parts of the country. They do not relate in any
14 way to exposure to anything from Chambers Works, which is
15 what this case is about.

16 And, you know, plaintiff claims that they have some
17 of these reports already. We've asked them to disclose to us
18 which ones, but we have not received a response to that yet.
19 I'm not -- I'm not sure what Mr. Lakind means when he says it
20 will help him with respect to Daubert. I don't think that's
21 a relevant inquiry to the -- to this.

22 And then additionally, these -- the plaintiffs'
23 reports aren't, you know, duPont and Chemours's reports to
24 produce. These were issued by plaintiffs' counsel in other
25 cases. I -- I don't know what conversations or not Mr.

1 Lakind's had with any of those, and there may be
2 confidentiality concerns for us based on the operative
3 protective orders that are entered in those cases.

4 THE COURT: Okay.

5 Any response?

6 MR. LAKIND: Yes, Your Honor. With regard to
7 confidentiality, our confidentiality order anticipates that
8 there will be documents produced from other cases and that --
9 and the confidentiality provisions of our order will govern.

10 With regard to the implications of this not being
11 out of Chambers Works, issues such as state of knowledge,
12 punitive damages, causation, epidemiology and toxicology are
13 not facility-dependent, so I don't think that really
14 (inaudible -- phone interference).

15 Also, with regard to Daubert, one of the -- two of
16 the experts I believe on the list -- one for certain, Savitz,
17 was the subject of a Daubert hearing in a case called Baker
18 vs. Saint-Gobain, which you'll note is not on the list, but
19 we would then get a sense from reading both the plaintiffs'
20 and defendants' reports, then we could look at the decisions
21 how the Courts dealt with the Daubert issues for them, and
22 that would guide us as to the intensity of the work we need
23 to do and make the Court's job more efficient because it
24 would have before it Daubert -- excuse me, experts that were
25 already considered under the Daubert standards. So that's

1 why I mentioned Daubert.

2 MR. RICHMAN: Your Honor, may I respond to that
3 briefly?

4 THE COURT: Sure.

5 MR. RICHMAN: So while our discovery
6 confidentiality order may -- may -- and I think it does
7 address voluntary reproductions from -- from other cases --
8 you know, that parties need in other cases, that's -- that's
9 not this situation. What I was referring to is we still have
10 an obligation to comply with the protective orders in those
11 cases regardless of -- of what our discovery confidentiality
12 order may say here as to voluntary reproductions from -- you
13 know, on discovery from other -- from other cases.

14 And as -- as -- and, you know, Mr. Lakind also
15 mentioned punitive -- punitive damages. I'd just like to add
16 that -- and, you know, as Your Honor knows, punitive damages
17 are -- are very circumstance and fact-sensitive, and I'd --
18 I'd argue that those are -- you know, the -- the furthest
19 removed from any sort of relevancy to plaintiffs' places in
20 -- plaintiffs' claims in these cases.

21 THE COURT: All right.

22 Anything further?

23 MR. LAKIND: No, thank you, Your Honor.

24 THE COURT: All right. So I'm going to just
25 reserve on this issue and let's move to the next one, and as

1 I said, I'll either issue an opinion from the bench instead
2 of a call, or I will issue a written opinion on this issue.

3 Let me go through a couple quick items and then
4 we'll get to the outstanding 30(b)(6) issues and topic issues
5 and interrogatory issues.

6 The deposition of Richard Bond, Sr., is that
7 resolved now?

8 MS. PHILLIPS: Your Honor --

9 MR. RICHMAN: Your Honor --

10 MS. PHILLIPS: -- I think it's -- oh, go ahead.

11 MR. RICHMAN: No, go ahead, please, please.

12 MS. PHILLIPS: Sure. This is Vicky Phillips for
13 plaintiffs. We have made progress on the issue even since --
14 even since we submitted the letter. One of defendants'
15 objections had been that they were waiting for a doctor's
16 note. We just today -- it took -- there were some
17 administrative hiccups with the doctor's office, but we did
18 get a note attesting to Richard's -- the need for an in -- in
19 extremis deposition and the many life-threatening illnesses
20 that he suffers from and we've provided it to defendants I
21 think mere minutes ago.

22 We've confirmed that he cannot do depositions
23 Monday, Wednesday or Friday and suggested half-day
24 depositions on Tuesdays and Thursdays because he has dialysis
25 three times a week. I think defendants just wrote back with

1 three dates that would be agreeable for them and we'll
2 confirm with the Bond family, but I think we should be able
3 to tee that up. And they did object -- you know, given the
4 family's illnesses, it took some time to get discovery
5 responses -- I guess further responses from Richard Bond,
6 given that he'd already done them in connection with daughter
7 Chrissy's case.

8 We did just give them interrogatory responses to
9 the joint interrogatories of all defendants. We also just
10 provided responses to the discovery demands of duPont's
11 request for production and I think -- I think we indicated in
12 the letter, but we're agreeable, the defendants would like to
13 have complete deposition -- discovery responses by April
14 13th.

15 I think we can likely get that done, and that would
16 be in advance of the deposition dates that they've
17 identified. Realistically we don't think there are going to
18 be additional document production because Richard and his
19 wife Kim provided documents in connection with their
20 daughter's case, so we appreciate that we need to do the
21 formality of going through the motions and we will, but --
22 but they likely have in hand all the documents that they're
23 going to get because these plaintiffs already responded to
24 discovery once before, and in fact, supplemented after we met
25 and conferred with defendants several months ago --

1 THE COURT: What is the --

2 MS. PHILLIPS: -- so that's --

3 THE COURT: -- (inaudible - phone interference) the
4 deposition?

5 MR. RICHMAN: Your Honor, may I be heard on this?

6 THE COURT: Yes.

7 MR. RICHMAN: This is -- this is Ryan Richman, Your
8 Honor. We've been operating under the principle that Mr.
9 Bond, Sr. had to go first in deposition sequencing, given
10 plaintiffs' representations that he was in extremis and had a
11 recent surgical procedure, and to accommodate the plaintiffs,
12 we suggested moving forward with Mr. Bond, Sr. first and
13 plaintiffs did not object.

14 We also proposed moving forward with three specific
15 Group 2A plaintiffs after Mr. Bond, Sr. We based our
16 selection of these additional three plaintiffs to go after
17 Mr. Bond largely on the status and medical records collection
18 and where defendants -- you know, the defendants felt would
19 be least prejudiced. We've asked our -- we've also asked our
20 vendor to prioritize the remaining medical record collection
21 for the four plaintiffs.

22 But we initially on March 9th shortly after our
23 last conference provided all of defendants' availability for
24 the deposition of Mr. Bond. We also asked for a letter from
25 Mr. Bond's physician supporting the need for an in extremis

1 deposition due to his medical condition, his written
2 discovery responses and his surgical records from his recent
3 surgery. On March 16th the defendants followed up on Mr.
4 Bond, Sr.'s deposition and the request for the letter, the
5 written discovery and the surgical records. We also asked
6 plaintiffs to provide availability for the depositions of the
7 three other plaintiffs, Kimberly Bond, Richard Bond, Jr., and
8 Nicole Bond.

9 On March 21st we followed up again on Mr. Bond's
10 availability and we received an email from plaintiffs'
11 counsel yesterday afternoon advising that Mr. Bond, for the
12 first time, is unavailable on Mondays, Wednesdays and Fridays
13 due to his medical treatment, which is totally
14 understandable, and so the deposition would have to be
15 scheduled on Tuesdays or Thursdays.

16 We also received a list of dates for some other 2A
17 plaintiffs, but they did not include two of the three that we
18 had asked for, and we still have not received Mr. Bond, Sr.'s
19 surgical records. As Ms. Phillips said, you know, about five
20 minutes or so before this conference, we did receive a letter
21 from Mr. Bond's physician.

22 We're obviously still -- still reviewing it and
23 haven't had a lot of time to -- to review or think about it,
24 but my initial reaction to it is it didn't seem to indicate
25 anything imminent that would require preserving his trial

1 testimony now, but we're -- we're still prepared to move
2 forward with doing his fact deposition first. In response to
3 the letter or the email that we received yesterday afternoon,
4 we provided three new dates for Mr. Bond's deposition today
5 and we're waiting to hear back on his availability.

6 THE COURT: Okay. This is supposed to be the easy
7 issue, so I really don't want to spend much more time. We
8 need to get the deposition done.

9 I understood from plaintiffs' counsel that the
10 three dates have been provided -- that have been provided
11 were acceptable. Am I correct?

12 MS. PHILLIPS: I think they're likely acceptable.
13 We got them a couple of minutes ago, so I -- I will check
14 with my clients just to confirm, but I -- I suspect -- and
15 we're looking for two days out of the three, I suspect we can
16 make two of them happen and we can get back to them shortly
17 on that.

18 THE COURT: All right. And then the other
19 plaintiffs have to start being deposed, so you just have to
20 take them. There's no reason that you have to take Mr. Bond
21 first or last. I understand that there's this issue with his
22 condition, but we need to start taking other deps. There's a
23 lot of plaintiffs in these cases so we can't just wait --

24 MS. PHILLIPS: And --

25 THE COURT: -- until everything --

1 MS. PHILLIPS: And --

2 THE COURT: -- is solved on one before we schedule
3 a second one.

4 MS. PHILLIPS: And, Your Honor, if I could on that
5 issue, we actually have provided three possible dates each in
6 April and May for Theresa Slusser and William Slusser,
7 they're Alex Slusser's parents; Tammy O'Leary; Corby Deese;
8 Carly Corrar; Shirley Bond and also Kimberly Bond, who's
9 Chrissy's mom but also has a case of her own.

10 Given what Your Honor said about medical records
11 and I'd -- and I'd be shocked if the defendants didn't have
12 substantial medical records for all of these people, these
13 are the first in time filed cases to my understanding.
14 They're also cases in which we served discovery responses
15 months ago, supplemented after conferring with defendants,
16 and that's why we got dates for those plaintiffs.

17 So they seem to be focusing on plaintiffs who were
18 later in time filed, and we can look into dates for them too,
19 but they've got three dates each in April and May for these
20 people and we'd like to schedule them.

21 THE COURT: Let me --

22 MR. RICHMAN: Your Honor --

23 THE COURT: Wait. Let me just make sure I
24 understand. You've provided more than three days, right?
25 You have lots of dates for -- that draw up April and May or

1 fall within April and May for a number of people. Did I --
2 did I understand that right or --

3 MS. PHILLIPS: Exactly.

4 THE COURT: -- or only --

5 (Inaudible - multiple speakers)

6 MS. PHILLIPS: Yeah, I should have been clearer.

7 For -- so for each person, I think we provided three dates
8 for one, two, three, four, five -- seven different
9 plaintiffs --

10 THE COURT: All right.

11 MS. PHILLIPS: -- so --

12 THE COURT: So I'm looking at my February 28th hard
13 letter and I pretty much said, you've got to start taking
14 these depositions. So I don't know what -- defense, else
15 they want to say, but they need to start taking depositions.
16 I've already indicated there's some medical records that you
17 didn't get and then we're going to get to the education
18 records and the employment records, but if there's something
19 that you didn't get that really impacts the case in a way
20 that would require a re-deposition, I'll revisit the issue.
21 I'm not saying you can never retake it.

22 But we need to start taking depositions so I don't
23 know what else defense wants to say on this issue, but it's
24 time to get them scheduled, and I think I was pretty clear
25 that you needed to get them started in March and now we're

1 going to be into April and we still don't have the deps done.

2 MR. RICHMAN: Your Honor, it's Ryan Richman. We
3 totally understand, you know, your -- your frustrations.
4 We're -- we're also frustrated. I mean, we just received
5 these dates yesterday and like -- like I said, we had -- we
6 had asked for these three additional specific plaintiffs
7 because they were the furthest along in medical record
8 collection and we felt we'd be the least prejudiced if we
9 started with them.

10 You know, for example, one of the -- two of the
11 names I heard Ms. Phillips mention were William Slusser and
12 Carly Corrar, and they only have about 25 percent of the
13 records collected. So we were --

14 THE COURT: Well --

15 MR. RICHMAN: -- we were prioritizing the other
16 three and we still have not received dates for two of them,
17 but we will confer -- you know, we hear Your Honor loud and
18 clear and we'll confer with -- with plaintiffs' counsel after
19 this and get those on the calendar.

20 THE COURT: I'm sorry if it sounds like I'm
21 frustrated, I'm not, I just want to make sure that you know
22 that you've got to get done. You know, I can't -- I can't
23 wait for all the records. So, you know, work it out and send
24 me a letter by next Friday of what depositions are going to
25 be done for the month of April. Okay?

1 MR. RICHMAN: Okay.

2 MR. CONWAY: Your Honor, it's Kevin Conway. If I
3 might add, as of March 27th, I think they've had 494 sets of
4 medical records and we've been turning around medical
5 authorizations extremely quickly for them, so it's not --

6 THE COURT: Okay.

7 MR. CONWAY: -- believe me, there've been --
8 there's been a lot of diligence on the plaintiffs' side as
9 far as records go.

10 THE COURT: I'm not attributing any fault to
11 anybody. I'm just saying we have to move forward. And I
12 understand that parties want to have every document that they
13 can before the deposition, but in a case like this, given the
14 extent of the medical records that have been requested, it's
15 time to -- to move forward with depositions.

16 It's always -- like I said, I would always revisit
17 it if something came in that would warrant an additional
18 deposition and Mr. Richman said, you know, he's trying to
19 schedule the ones where he has less -- less likelihood of
20 that where there's, you know, a significant production, so
21 work it all out.

22 I'm sure you all can, and just send me a letter on
23 next Friday as to the depositions that are scheduled --
24 scheduled for the months of April and May and what is still
25 holding back scheduling others. Okay?

1 MS. PHILLIPS: Thank you.

2 MR. RICHMAN: Yes, Your Honor, thank you.

3 THE COURT: All right. And that leads me to the
4 issue that I wasn't quite sure was a problem, and that's the
5 other records that apparently are being requested, and I
6 guess the question is the employment and educational records.
7 I'm not really sure what it is that's outstanding and why
8 that has an impact on taking a deposition.

9 More times than not, you don't ask for educational
10 records, so I'm not really sure why that's in a personal
11 injury case so I'm not really sure why that's being
12 requested. And employment records -- I guess if there's a
13 lost wage claim, but otherwise, what is it that you need from
14 the employment records that you couldn't get at a deposition?

15 MR. RICHMAN: Your Honor, this is Ryan Richman. We
16 did receive their employment record authorizations I believe
17 in the past few days or so and -- and we're collecting those
18 records, but we're not -- you know, we're not -- we're not
19 holding up the depositions because of that. I think there's
20 only two additional outstanding authorizations and I -- I
21 think that plaintiffs have committed to giving those two to
22 us.

23 And, I mean, we believe those -- those records are
24 -- are relevant to plaintiffs' claims because they've made --
25 you know, there's some plaintiffs who have birth defect

1 claims; there's some plaintiffs who are alleging some
2 conditions that go directly to the relevancy of their, you
3 know, ability to work and their -- their ability to attend
4 school and their academic records, so that's why we believe
5 they're relevant. Plaintiffs have not objected to providing
6 them to us, we just, you know, didn't -- didn't receive them
7 until recently.

8 THE COURT: Okay. Well like I said, a lot of what
9 you may be requesting you can find out at a deposition. If
10 the authorizations aren't there yet or records aren't there
11 yet and then if there's something that would create the issue
12 that would create the need to have a re-deposition for an
13 hour or two, you know, we can address it. But don't have
14 that be a delay for taking depositions. I mean, if --

15 MR. RICHMAN: I --

16 THE COURT: -- okay?

17 MR. RICHMAN: Understood.

18 THE COURT: All right. All right, now let me just
19 get to -- is that it for outstanding records? I think that's
20 it.

21 You -- the defendants have requested I order
22 plaintiffs to return all outstanding releases and
23 authorizations by April 13th. Is there an objection to that?

24 MR. CONWAY: There's not.

25 THE COURT: I'm sorry, who's speaking on behalf of

1 plaintiffs?

2 MR. CONWAY: Kevin Conway. No, Your Honor, there's
3 no objection.

4 THE COURT: All right. I'll put that in the order
5 then. And also my order will say that by this next Friday --
6 well actually that's -- the Court is closed so we'll give you
7 a little bit more time, but April the 11th the parties shall
8 submit a letter setting forth the number of depositions; who
9 is being deposed in April and May; and what -- what issues
10 are remaining in getting any scheduled depositions and I had
11 asked that you start taking depositions in March.

12 So, you know, I would anticipate that you're going
13 to be taking a number of depositions so I'm not -- I don't
14 want to give you a set number, but let me just say I would
15 expect there to be at least ten depositions in that two-month
16 period -- in that end of April, May period. Maybe -- maybe
17 more, but at least that. And if there's a problem with
18 hitting that number you'll let me know.

19 Okay, that's depositions and outstanding records.

20 Let's go to the number -- what I would say is the
21 position by the parties -- I had them numbered, I think it's
22 Number 5 and and Number 6 in the March 27th letter, 2023,
23 Document 306. So what's the -- what's the problem with the
24 registry?

25 MR. LAKIND: Your Honor, this is Arnold Lakind.

1 And as we indicated in the letter in September of 2022, we
2 asked for the cancer registry. DuPont responded that they
3 don't maintain it any longer but there were electronic files
4 that would essentially have all the relevant information that
5 would be in the cancer registry and they proposed to get
6 that.

7 I responded that as an interim measure, sure, let's
8 do that and see if that answers our questions. We've been
9 going back and forth and then finally in the most recent meet
10 and confer, duPont said they would start the process of
11 getting this information April 7. And I responded I
12 understand that, but we need a date by which it's going to be
13 completed.

14 We just didn't want to be in a position where we're
15 taking 30(b)(6) depositions and we don't have response to
16 discovery that's seven-months old, so we're just really
17 looking for a date when they're going to give us the -- the
18 results of their electronic discovery efforts.

19 MR. RICHMAN: Your Honor, this is Ryan Richman. I
20 don't believe we have a dispute related to the -- you know,
21 we agreed that we would run a supplemental search of ESI and
22 then in an effort to address the extensive requests that we
23 received from plaintiff, we're doing that. We intend on
24 making our first rolling production -- I think in the letter
25 we said -- we said by April -- April 7th, so I don't -- I

1 don't think there's any -- any outstanding dispute related to
2 that.

3 THE COURT: Okay. Well I'll just put the -- I'm
4 going to put the same deadline that you had requested that I
5 put for the plaintiff. You should complete that, that
6 production -- I don't know why it needs to be on a rolling
7 basis -- by April the 13th. I mean, it's an ESI search, it's
8 a very limited way in which the search -- at one time it was
9 all compiled, I think is what you said, and no longer, but
10 it's ESI. I'm sure a couple different searches puts you in
11 the right database to get a printout, so April the 13th that
12 production should be completed.

13 And let's go on to the Simmons (phonetic) -- I
14 don't know if I'm pronouncing that -- report. I don't
15 understand the issue. If it exists and the defendants know
16 where it is, just send it over to the plaintiff. What's the
17 problem?

18 MR. RICHMAN: Well -- Your Honor, this is Ryan
19 Richman -- we have -- we have not yet located this document
20 on -- based on the supplemental ESI search. We agreed to run
21 to address plaintiffs' cancer registry issues. We have
22 though advised plaintiff that this is available publicly and
23 suggested that he should Google the name of the report to
24 find it. It's from a website that's not within my client's
25 control so for various reasons, we don't want to make a

1 production from a website that has this report, but we've
2 advised plaintiff where -- where to find it and we haven't
3 found it in our records yet. If it is found in this
4 supplemental ESI search, it will be -- it will be in there.
5 But we -- we've advised him where to find it publicly.

6 MR. LAKIND: Your Honor, that --

7 THE COURT: Mr. Lakind, did you run the Google
8 search?

9 MR. LAKIND: I did, and I couldn't find it and they
10 did not tell me where I could find it. They said put the
11 name into Google, I did. I came up with an article in the
12 pump-something, but I can't find the actual submission. If
13 they would just tell me where it is, that would be fine.

14 MR. RICHMAN: It's -- it's the third hit when I
15 Google it, Your Honor, so I -- I think we can easily resolve
16 this in a quick phone call from me to Mr. Lakind.

17 THE COURT: Okay. I'm going to -- I'm going to be
18 optimistic and say it will be resolved, and if not, you can
19 send me a letter by next -- well, by the 11th. Okay?

20 MR. RICHMAN: Yes, Your Honor.

21 THE COURT: By the 13th, I mean.

22 Okay. All right. Now let's hear from some other
23 people who have other issues. Let's get to the 30(b)(6)
24 notice. I was very happy to see how much you resolved, so I
25 appreciate the efforts that all counsel have made and it's

1 always nice when we see that a number of issues are narrowed,
2 and it looked like you were still working on it so I'm hoping
3 that you're going to tell me that it's all resolved.

4 Let's -- let's go with -- well, who wants to go
5 first? Which defendant wants to go first on their concerns
6 about the topics?

7 MR. CALICA: Your Honor, this is Andrew Calica for
8 3M Company. We're happy to go first as long as you can hear
9 another voice today.

10 THE COURT: Well it's not --

11 MR. CALICA: -- (inaudible -- multiple speakers)

12 THE COURT: -- it's not that I don't mind hearing
13 from all -- it's not that I don't mind hearing from all
14 counsel, but I will note that you had the biggest issues last
15 time and you --

16 MR. CALICA: -- (inaudible- multiple speakers) --

17 THE COURT: -- you had --

18 MR. CALICA: -- (inaudible - multiple speakers) --

19 THE COURT: -- (inaudible -- multiple speakers)

20 MR. CALICA: -- Your Honor.

21 THE COURT: Okay. And, and plaintiffs' counsel and
22 you -- your firm were able to narrow it down --

23 MR. CALICA: Yes.

24 THE COURT: -- and I'm hoping that we're just down
25 to a few things. So is it Topic 3, Topic 5, Topic 7 and

1 Interrogatory 16 and 17 that we have to address?

2 MR. CALICA: So it's -- it's more than that, Your
3 Honor, but I can report that yesterday Mr. Conway and I had
4 another conferral and we talked about issues Topics 2, 4, 5
5 and 8, and I think we made further progress on those. and we
6 may be on the cusp of coming to ground and we're either going
7 to resolve those issues, narrow them or know that we can't,
8 although I'm optimistic that that third is the least likely.
9 We're -- we've agreed to have another conferral, we're taking
10 -- each taking back a couple of issues and then come back to
11 each other and have one more conferral.

12 My proposal from 3M, Your Honor, would be, there
13 are a couple of topics or parts of topics and related
14 interrogatories on which we probably are not going to reach
15 agreement, but my view I think, Your Honor -- our view would
16 be that it makes sense to put to the Court all those issues
17 at once and so our proposal would be that if we could have
18 time to try to resolve the ones that are left and who knows,
19 maybe even we'll come onto the ones that we think we can't
20 resolve, and then come to Your Honor shortly with whatever
21 remains and either schedule a -- submit a letter, schedule a
22 conference -- teleconference, a Zoom conference, come in
23 person, whoever Your Honor would like to hear argument or --
24 or to receive argument on the papers on whatever issues
25 remain. But we are continuing, I think, there's a take away

1 to make progress.

2 THE COURT: Does plaintiffs' counsel agree?

3 UNIDENTIFIED SPEAKER: Mostly. There's still one I
4 don't think anybody's -- I don't think they've agreed to and
5 that's the -- regarding the -- you know, the safety
6 precautions and the warnings given to employees. I don't --
7 I don't think they're -- the only one they're looking at I
8 think as far as employees is the -- whether or not they're
9 going to have to give me the Workers' Comp claims.

10 But as far as all health advisories or health-
11 related warnings regarding 3M chemicals mentioned in this
12 complaint given to 3M employees, I -- I don't think we're
13 revisiting that. I thought they -- I -- I have "Court should
14 decide" in my notes, and same thing with 7. You know, in any
15 event, the -- we have met five times on that issue. As far
16 as I know, there's been no movement.

17 On the others, I think they're -- you know, we are
18 talking, but and that -- that particular question goes not
19 only to those two interrogatories, but partially into other
20 interrogatories. So I think the Court has to decide that.
21 They're -- they do not want to give me anything that they
22 told their employees or they don't want to give me any safety
23 precautions they took to protect their employees from these
24 chemicals.

25 THE COURT: Okay.

1 UNIDENTIFIED SPEAKER: I, of course -- I, of course
2 think that they're very discoverable.

3 THE COURT: All right. Let me do this. Let me ask
4 that 3M and plaintiffs' counsel continue to meet and confer.
5 I have the settlement -- sort of a summary and thank you, Mr.
6 Richman, for your detailed letters about the issue, but I
7 would prefer I think to have counsels' positions by
8 themselves now on what's not able to resolve, so have your --
9 an additional meet and confer and then send me your separate
10 letters and I'll schedule a call the week of probably April
11 13th will be our -- our day, or April the -- yeah, because
12 (inaudible - phone interference) bunch of stuff done, so
13 we'll have a phone call on April 13th and we'll resolve it.
14 Okay?

15 UNIDENTIFIED SPEAKER: Thank you, Your Honor.

16 MR. LAKIND: Thank you, Your Honor.

17 THE COURT: But stay on the phone because maybe
18 what I do with respect to duPont and plaintiffs' counsel were
19 informed, so let's -- is that -- that's everything with 3M
20 and then is it -- and, Solvay, you worked it all out, right?

21 MS. PARKER: This is Crystal Parker for Solvay,
22 Your Honor, yes, we -- we don't have any outstanding issues
23 with plaintiff.

24 THE COURT: All right. And who -- who else? Let's
25 see.

Colloquy

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1 UNIDENTIFIED SPEAKER: It's just duPont, Your
2 Honor.

3 THE COURT: Just duPont that's --

4 MR. SHUFTAN: And there was -- there was nothing
5 from Arkema, Your Honor.

6 THE COURT: Oh, so nothing was Arkema.

7 MR. SHUFTAN: No.

8 THE COURT: So that leaves --

9 MR. LAKIND: Well, I'm not sure, Your Honor, if
10 there's nothing with Arkema or we've come to a attractable
11 position. I think we need to talk again because I know we
12 didn't address it in the letter and I think that was my
13 oversight, but there was one issue that I think we'd like to
14 talk to them about one more time.

15 THE COURT: Well, I'm going to resolve whatever
16 hasn't been resolved hopefully on the 13th so you -- if you
17 don't send it until then, then your 30(b)(6) doc notice and
18 the interrogatory issue is done and I would expect that the
19 30(b)(6) depositions will be taken in May. That's what I
20 expect.

21 MR. LAKIND: Right.

22 THE COURT: All right?

23 MR. LAKIND: Right.

24 THE COURT: So now's the time to get it done.

25 Let's go to the duPont issues and this is Topics 19

1 and Topics 5 and 20, but I understood that that was still
2 being negotiated and hope to reach an agreement on 5 and 20.
3 Have they?

4 MR. LAKIND: We have not, Your Honor. I'm sorry.

5 MR. RICHMAN: Your Honor, this -- this is Ryan
6 Richman. We -- we have not on Topic 19 and we -- except for
7 Topic 19 in the letter on page two. Mr. Lakind and I spoke
8 yesterday and I think what we would propose or what we agreed
9 upon and we would propose to Your Honor is to submit a very
10 short position on Topic 19 and -- and have Your Honor call
11 it.

12 THE COURT: Okay. It's -- it's very -- well before
13 I get to that, what about the other topics?

14 MR. LAKIND: Your Honor --

15 THE COURT: I thought you agreed on 5 and 20.

16 MR. LAKIND: I think we agreed that the resolution
17 of 19 would drive 5 and 20. We agreed on certain parts of 5
18 and 20, but we think the resolution of 19 will -- will drive
19 the resolution of 5 and 20.

20 THE COURT: Okay. So you want to submit a short
21 letter submission and setting forth your positions and what
22 other case law you have?

23 MR. LAKIND: Yes, Your Honor.

24 THE COURT: Okay. When can you guys get that so we
25 can get it all resolved hopefully on the 13th?

1 MR. RICHMAN: Maybe with the submission on April --
2 or we could do it separately on April -- it sounds like
3 there's going to be a deadline on April 11th for a
4 deposition, so we could perhaps do it then, Your Honor. And
5 just for the record from our position, we -- we believe
6 Topics 5 and 20, we -- we conferred a lot on this, Your
7 Honor, and we made proposals and we thought we had reached
8 agreement, but we'll -- we'll confer with Mr. Lakind again
9 before we make that submission.

10 THE COURT: Okay.

11 Is that acceptable, Mr. Lakind, that deadline?

12 MR. LAKIND: It is, Your Honor. Yes, it is, Your
13 Honor, thank you.

14 THE COURT: All right. So April 11th and to the
15 extent I misspoke and said it was April 13th, April 11th is
16 the deadline that you will provide me the dates of the
17 depositions, who's being deposed. And April 11th will also
18 be the deadline for all the parties that want to submit to me
19 letter submissions concerning the remaining topics at issue
20 or interrogatory answers or issues, you should submit it, any
21 case law cite to it, and then I will have another conference
22 call on April the 13th probably at 1:30 and that's not on the
23 list of dates I had to avoid, is it? Let me see --

24 MR. SHUFTAN: Yes, Your Honor.

25 THE COURT: -- somebody has a bad time on that

1 date. Who's not good on April 11th?

2 MR. SHUFTAN: Thank you, Your Honor.

3 THE COURT: Which counsel is --

4 MR. SHUFTAN: This is Robert Shuftan on behalf of
5 Arkema, Your Honor.

6 THE COURT: Okay, but you're not in this issue so
7 is there a reason why I can't have the call? You can have a
8 colleague attend?

9 MR. SHUFTAN: Absolutely, you can have this and
10 have another colleague attend and we're not aware if there is
11 an issue with Arkema. If Mr. Lakind's going to let us know
12 the position he has, we'll certainly meet and confer with
13 him.

14 THE COURT: All right, thank you.

15 All right, and then --

16 MR. RICHMAN: Your Honor --

17 THE COURT: -- the call --

18 MR. RICHMAN: -- did you state the 13th at 1:30,
19 just to clarify?

20 THE COURT: Yes --

21 MR. RICHMAN: Okay.

22 THE COURT: -- April 13th at 1:30. Now, that's not
23 for Groups 1, 3 and 4 where we're going to actually have an
24 in person and talk about settlement, that will work around
25 your schedule, Mr. -- is it Shuftan?

1 MR. SHUFTAN: Yes. And, thank you, Your Honor.

2 THE COURT: All right. Okay. Well, I do think
3 we're done. Am I missing anything?

4 MR. CALICA: Your Honor --

5 MR. LAKIND: Your Honor --

6 MR. CALICA: Go ahead, Mr. Lakind.

7 MR. LAKIND: Thank you. Your Honor, it's Arnold
8 Lakind. I -- I took the liberty while we were speaking to
9 try and Google again Burrell (phonetic) Simon (sic) and came
10 up empty. I'm just wondering if April 11th could be a
11 deadline too to get us some information where we can find
12 that or the report itself.

13 THE COURT: I think Mr. Richman's going to call you
14 right after this conference and walk you through the Google
15 that he says is easy to do. Is that right?

16 MR. RICHMAN: I can do that, Your Honor.

17 THE COURT: Okay.

18 MR. LAKIND: Okay, thank you.

19 MR. CALICA: Your Honor, Andrew Calica for 3M. If
20 I might make a suggestion but obviously I'd defer to Your
21 Honor, for the Group 1, 3 and 4 conference, it sounds like
22 there may be different conflicts on different dates for
23 different attorneys and I have some that may be in between
24 those, so might I suggest that the parties confer and prep,
25 suggest several dates to Your Honor that might work or --

1 THE COURT: I think that's an excellent idea, yes,
2 please do so.

3 MR. CALICA: Thank you.

4 THE COURT: Okay, anything else?

5 MR. LAKIND: Not from plaintiffs, Your Honor.

6 MR. RICHMAN: Not from defendants, Your Honor,
7 thank you.

8 THE COURT: All right, thank you, counsel, for
9 everything that's been submitted. I do appreciate all the
10 thoroughness that everyone submits their letters and the
11 detail, it is very helpful to the Court, and have a nice day.
12 We are adjourned. Thank you.

13 ALL COUNSEL: Thank you, Your Honor.

14 (Proceedings concluded at 3:01 p.m.)

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C E R T I F I C A T I O N

I, Diane Gallagher, court approved
transcriber, certify that the foregoing is a correct
transcript from the official electronic sound recording of
the proceedings in the above-entitled matter.

/s/Diane Gallagher

April 7, 2023

DIANE GALLAGHER

DATE

DIANA DOMAN TRANSCRIBING, LLC